

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**M.F., a minor, by and through his father, §
MICHAEL FISHER, and his mother, §
KATHERINE FISHER, §**

Plaintiff, §

v. §

**CARROLL INDEPENDENT §
SCHOOL DISTRICT, WHITNEY §
WHEELER, in her individual capacity §
and capacity as Principal of Durham §
Intermediate School, AND KIM RAY, §
in her individual capacity and capacity §
as Assistant Principal and Campus §
Behavior Coordinator of Durham §
Intermediate School, §**

Defendants. §

Civil Action No. 4:23-cv-01102-O

JURY TRIAL DEMANDED

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff M.F., a minor, by and through his father, Michael Fisher, and his mother, Katherine Fisher, notices dismissal of his action as to (i) Defendant Whitney Wheeler in her individual capacity, and (ii) Defendant Kim Ray in her individual capacity. For clarity, Plaintiff is *not* noticing dismissal of his action as to (i) Defendant Whitney Wheeler in her official capacity as Principal of Durham Intermediate School, or (ii) Defendant Kim Ray in her official capacity as Assistant Principal and Campus Behavior Coordinator of Durham Intermediate School.

Rule 41(a)(1)(A)(i) permits a plaintiff to dismiss an action without a court order so long as it occurs “before the opposing party serves either an answer or a motion for summary judgment.” Wheeler and Ray have not served an answer or motion for summary judgment in any capacity in

this action. Plaintiff accordingly notices voluntary dismissal of this action—only as to Defendant Whitney Wheeler in her individual capacity and Defendant Kim Ray in her individual capacity—without prejudice. *See* FED. R. CIV. P. 41(a)(1)(B).

Dated: November 28, 2023

Respectfully submitted,

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